

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

David Moyal,

Plaintiff,

-against-

Münsterland Gruppe GmbH & Co. KG d/b/a
Original Antique Furniture,

Defendant.

USDC SDNY
DOCUMENT
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DOC #:
DATE FILED: 11/16/2020

1:19-cv-04946 (SDA)

ORDER

STEWART D. AARON, United States Magistrate Judge:

A remote oral argument regarding the amount of damages to be awarded to Plaintiff shall be held on Wednesday, December 2, 2020, at 2:00 p.m. At the scheduled time, the parties each shall separately call (888) 278-0296 (or (214) 765-0479) and enter access code 6489745.

No later than Monday, November 23, 2020, Plaintiff shall file Exhibit C to the Declaration of David Moyal (“Moyal Declaration”). As Defendant notes in its memorandum (ECF No. 78 at 6), such exhibit previously was not filed.¹ In addition, Plaintiff shall file no later than Monday, November 23, 2020, a current inventory of “unsold OAM furniture.”

During oral argument, the parties each shall be prepared to address the quantum of sales of Supplier Products (as defined in the Exclusive Distribution Agreement) that were made by Defendant in North America during the term of the Agreement (1) through the International

¹ Exhibit C to the Moyal Declaration is described as “the inventory of unsold OAM furniture, current as of June 30, 2020, purchased for a total price of approximately \$506,662.40.” (Moyal Declaration ¶ 19.) Exhibit B to the Moyal Declaration was filed at ECF No. 67-3 and Exhibit D was filed at ECF No. 67-4, but Exhibit C was not filed. The same document apparently is Exhibit A to the Declaration of Suzanne Loewrigkeit, but that exhibit was omitted from her Declaration, and instead reference is made to Exhibit C to the Moyal Declaration. (See ECF No. 69-2 (“Omitted See Moyal Declaration Exhibit C” (emphasis in original)).)

Supplier Webpage (www.original-antique-furniture.com); and, separately, (2) not through the webpage. No later than Monday, November 30, 2020, the parties may make additional submissions regarding such sales, and Defendant by that date also may make an additional submission regarding Exhibit C to the Moyal Declaration and the current inventory of unsold furniture.

SO ORDERED.

DATED: New York, New York
 November 16, 2020

Stewart D. Aaron

STEWART D. AARON
United States Magistrate Judge